

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 08-835V

Filed: November 9, 2009

NOT TO BE PUBLISHED

TAMARA CAPRIOLA, Executrix of
the Estate of CHARLES CAPRIOLA,
Deceased,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Death; Influenza; Stipulation

DECISION¹

On November 6, 2009, the parties to the above-captioned case filed a Stipulation, attached hereto, memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner alleges that her husband, Charles, suffered Guillain-Barré Syndrome (hereinafter “GBS”) and subsequently died as a result of receiving an influenza immunization on March 26, 2008. Respondent denies Charles suffered an adverse reaction to his influenza vaccination and denies that his death was a sequela of his GBS. Nonetheless, the parties agreed informally to resolve this matter.

The court hereby **ADOPTS** the parties’ said Stipulation and awards compensation in the amount and on the terms set forth therein. Specifically, petitioner is awarded a lump sum of **\$175,000.00** in the form of a check payable to petitioner as executrix of Charles Capriola’s estate. See Stipulation, para. 8. The Clerk of the Court is directed to enter judgment

¹The undersigned intends to post this decision on the United States Court of Federal Claims’s website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

accordingly.²

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

²Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.